

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BUFFIE L. KACKLEY,)
Plaintiff,) 8:05cv284
vs.) ORDER to SHOW CAUSE
CMS, et al.,)
Defendants.)

This matter is before the court on filing no. 32, the Motion for Summary Judgment filed by defendant-Karen Horton, in her individual and official capacities. Because the plaintiff, Buffie L. Kackley, filed this action while a prisoner, the Prison Litigation Reform Act ("PLRA") applies to the case, notwithstanding the plaintiff's subsequent release from custody. 42 U.S.C. § 1997e(a) of the PLRA requires exhaustion of administrative remedies before a prisoner files suit in federal court about conditions or events in prison. 42 U.S.C. § 1997e(a) states: "No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." The defendant asserts that the plaintiff failed to complete the exhaustion process before filing this lawsuit. If correct, this case could be subject to dismissal as to all defendants, although without prejudice to refiling the lawsuit as a nonprisoner.

IT IS THEREFORE ORDERED:

1. That by June 14, 2006, the plaintiff shall file a "Response to Order to Show Cause" in which she shall demonstrate that she filed the necessary grievances to exhaust her claims;

2. That in the absence of a timely and sufficient demonstration of exhaustion of administrative remedies by the plaintiff, this action may be subject, without further notice, to dismissal without prejudice; and

3. That, if the plaintiff does demonstrate exhaustion of remedies, the defendant(s), by June 28, 2006, may respond to the plaintiff's showing of exhaustion of remedies.

May 30, 2006.

BY THE COURT:

s/ *Richard G. Kopf*
United States District Judge